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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EXCEL TECHNOLOGY, INC.,	:	
	:	Case No. 13-cv-06415-RMB
Plaintiff,	:	
	:	
-against-	:	
	:	
EXCEL LASER TECHNOLOGY PRIVATE	:	
LIMITED,	:	
	:	
Defendant.	:	
	:	
-----	X	

**SUPPLEMENTAL DECLARATION OF ZACHARY W.
SILVERMAN IN SUPPORT OF ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT EXCEL LASER TECHNOLOGY PRIVATE LIMITED**

ZACHARY W. SILVERMAN, declares under penalty of perjury as follows:

1. I am a member of the bar of this Court, and I am associated with the firm Edwards Wildman Palmer LLP, attorneys for plaintiff Excel Technology, Inc. ("Excel"). I am familiar with all the facts and circumstances in this action. I make this supplemental declaration pursuant to Fed. R. Civ. P. 55(b) and Rule 55.2(b) of the Civil Rules for the Southern and Eastern District of New York in support of Excel's application, by order to show cause, for entry of default judgment against defendant Excel Laser Technology Private Limited ("ELT").

2. In my initial declaration submitted in support of Excel's order to show cause for default judgment, I calculated interest as accruing starting on January 8, 2010. (See Silverman

Decl. ¶¶ 27-32.) In fact, as discussed in that declaration, ELT's first event of default was on January 8, 2011, and this is the date on which interest should have started to accrue. (See Silverman Decl. ¶ 17.)

3. As of January 8, 2011, the principal amount due to Excel was \$831,250. Ten percent interest on this amount is \$227.74 per diem [$(\$831,250 * 0.10) / 365$].

4. Thus, damages may be calculated as follows: \$831,250 in principal, plus interest in the amount of \$227.72 per diem from January 8, 2011 until such time as judgment is entered.

5. Annexed hereto as **Exhibit A** is a revised proposed judgment reflecting this new calculation.

WHEREFORE, plaintiff Excel Technology, Inc. requests entry of default judgment against defendant Excel Laser Technology Limited in the form annexed hereto.

Dated: New York, NY
February 18, 2014



ZACHARY W. SILVERMAN

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EXCEL TECHNOLOGY, INC.,	:	
	:	Case No. 13-cv-06415-RMB
Plaintiff,	:	
	:	
-against-	:	<u>[PROPOSED] JUDGMENT</u>
	:	
EXCEL LASER TECHNOLOGY PRIVATE	:	
LIMITED,	:	
	:	
Defendant.	:	
-----	X	

This action having been commenced on September 12, 2013 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the defendant, Excel Laser Technology Private Limited ("ELT"), (i) personally, on September 24, 2013, in accordance with Indian law, on an individual authorized to accept service on its behalf, and (ii) via international courier, on September 25, 2013, pursuant to the express terms of the agreement between the parties and that is the subject of this action, and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff Excel Technology, Inc. have judgment against defendant ELT in the liquidated amount of \$831,250.00 with interest thereon at 10% per annum (\$227.74 per diem) from January 8, 2011 amounting to

\$_____, plus costs and disbursements of this action in the amount of \$_____
amounting in all to \$_____.

Dated: New York, New York

U.S.D.J.

This document was entered on the docket
on _____

AM 29023656.1